

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI,)	No. ED99226
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court of
)	the City of St. Louis
vs.)	
)	Honorable Thomas J. Frawley
MONIQUE BANKS,)	
)	
Defendant/Appellant.)	Filed: May 27, 2014

Monique Banks (Defendant) appeals the Circuit Court of St. Louis City's judgment of conviction entered after a jury found Defendant guilty of first-degree assault and armed criminal action. Defendant claims the trial court erred by: (1) submitting a defense of others instruction that omitted "from the acts" of the victim and failed to include any reference to multiple assailants; and (2) permitting cumulative and prejudicial testimony of the victim's injury to which Defendant was willing to stipulate.

AFFIRMED.

Division Four holds: Defendant abandoned her claim that the defense of others instruction erroneously omitted "from the acts" of the victim because Defendant failed to support this claim in the argument portion of her brief. Defendant also waived her claim that the defense of others instruction erroneously omitted reference to multiple assailants because Defendant proffered an instruction containing the same error. The trial court did not abuse its discretion by admitting evidence of the victim's injury because the testimony was not cumulative or prejudicial.

Opinion by: Philip M. Hess, J.
Lisa S. Van Amburg, P. J. and Patricia L. Cohen, J. concur.

Attorney for Appellant: Timothy J. Forneris

Attorney for Respondent: Gregory L. Barnes

<p style="text-align:center">THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
